

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PATRICIA STROMENGER,

3:12-CV-00686-BR

Plaintiff,

ORDER

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#47) on October 22, 2012, in which he recommended the Court deny Defendant's Motion (#32) for Summary Judgment. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In its Objections, Defendant reiterates the arguments and evidence contained in its Motion and Reply and stated at oral argument. This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#47) and **DENIES** Defendant's Motion (#32) for Summary Judgment.

The Court notes this matter has been transferred to Judge Anna Brown for further proceedings. Accordingly, the Court will contact the parties for scheduling in due course.

IT IS SO ORDERED.

DATED this 18th day of December, 2012.



ANNA J. BROWN
United States District Judge